

Confidential Subject to Protective Order

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CRYOVAC, INC.,)	
)	
Plaintiff/Counter-Defendant.)	Civil Action No. 04-1278
)	
vs.)	Hon. Kent A. Jordan
)	
PECHINEY PLASTIC PACKAGING,)	REDACTED VERSION
INC.,)	
)	
Defendant/Counter-Plaintiff.)	

DECLARATION OF STEVEN R. TRYBUS

I, Steven R. Trybus, declare as follows:

1. I am a partner in the law firm of Jenner & Block LLP in Chicago, Illinois. My firm serves as lead counsel to Pechiney Plastic Packaging Inc. ("Pechiney") in this action brought by Cryovac Inc. ("Cryovac"). I have personal knowledge of the matters stated in this declaration and, if called to testify, could and would testify to their accuracy.

2. After having reviewed Plaintiff's Motion for Leave to File Amended Complaint filed with this Court on March 15, 2005, I sent an e-mail message to Joann Neth, counsel for Cryovac, on March 22, 2005, as follows:

In the proposed Amended Complaint, Cryovac refers to a January 14, 2004, four-year supply agreement with National Beef. Please produce (as quickly as possible) a copy of the agreement so that we can review it in connection with our response to the motion for leave to file this Amended Complaint.

A true and correct copy of the March 22, 2005, e-mail message is attached hereto as Exhibit A.

3. On March 25, 2005, Ms. Neth sent me an e-mail message with an attachment comprising

Ms.


Neth stated in her cover e-mail message that the message was being produced

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in response to my March 22 request. A true and correct copy of the March 25, 2005, e-mail message is attached hereto as Exhibit B.

4. This March 25, 2005, e-mail message (and attachment) was the only communication I received from Cryovac's counsel in response to my March 22 request.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 29th day of March, 2005, at Chicago, Illinois.


Steven R. Trybus

Message

Page 1 of 1

Trybus, Steven R

From: Trybus, Steven R
Sent: Tuesday, March 22, 2005 3:15 PM
To: 'Joann Neth'
Cc: Trybus, Steven R; Cassling, Donald R; Herman, Melissa A; Ho, Daniel L; Lee, Julie S; Malinowski, Shelley; O'Donnell, Brian P
Subject: Motion For Leave To Amend

Joann

In the proposed Amended Complaint, Cryovac refers to a January 14, 2004, four-year supply agreement with National Beef. Please produce (as quickly as possible) a copy of the agreement so that we can review it in connection with our response to the motion for leave to file this Amended Complaint.

Steven R. Trybus
Jenner & Block LLP
One IBM Plaza
Chicago, IL 60611-7603
312-222-9350
312-923-8307 (direct)
312-923-8407 (fax)
strybus@jenner.com

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3/29/2005

Trybus, Steven R

From: Joann Neth [joann.neth@finnegan.com]
Sent: Friday, March 25, 2005 8:08 AM
To: Trybus, Steven R
Cc: Ford Farabow; Mark Feldstein; jshaw@ycst.com
Subject: Re: Motion For Leave To Amend



C100-000001.pdf
(37 KB)

Steve

Please see attached re: your request.

Joann

>>> "Trybus, Steven R" <STrybus@jenner.com> 03/22/05 04:15PM >>>
Joann

In the proposed Amended Complaint, Cryovac refers to a January 14, 2004, four-year supply agreement with National Beef. Please produce (as quickly as possible) a copy of the agreement so that we can review it in connection with our response to the motion for leave to file this Amended Complaint.

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